

MONTANA LEGISLATIVE HISTORY

Chapter 262 1979

Bill H _____ S 333 Original bill & history ☒ c

H. Committee on Local Gov't

Hearing Date(s) 3-6 _____ c

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Date Out 3-6 _____ c

S. Committee on Local Gov't

Hearing Date(s) 2-7 _____ c

_____ c

_____ c

_____ c

DATE out 2-7

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

1 *Senat* BILL NO. *333*
 2 INTRODUCED BY *Watt*
 3 BY REQUEST OF THE CODE COMMISSIONER
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
 6 CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO ALTERNATIVE
 7 FORMS OF LOCAL GOVERNMENT; REPEALING SECTIONS 11-3221
 8 THROUGH 11-3227 AND 11-3541 THROUGH 11-3547, R.C.M. 1947."
 9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 7-3-101, MCA, is amended to read:

12 "7-3-101. Compliance with constitution. (1) The
 13 purpose of parts 1 through 7 is to comply with Article XI,
 14 section 3(1), of the Montana constitution, which provides:
 15 "The legislature shall provide such optional or alternative
 16 forms of government that each unit or combination of units
 17 may adopt, amend, or abandon an optional or alternative form
 18 by a majority of those voting on the question."

19 (2) Parts 1 through 7 establish the alternative forms
 20 of government for cities, towns, counties, and consolidated
 21 governments. These parts shall be liberally construed to
 22 facilitate the adoption of a form of local government. The
 23 ~~procedure--to--adopt--amend--or--abandon--these--forms--is~~
 24 ~~provided-in-this-part."~~

25 Section 2. Section 7-3-1101, MCA, is amended to read:

1 "7-3-1101. City-county consolidation authorized. (1) A
 2 county and a city or town within the county may unite to
 3 form a single unit of local government under the provisions
 4 of this part.

5 (2) An alternative form of government, including a
 6 charter form, for a consolidated unit of government may be
 7 submitted to the voters only by those study commissions that
 8 have cooperated under ~~section 6, Chapter 222, laws of 1974~~
 9 ~~in the formulation of the plan.~~ A majority vote by each of
 10 the affected study commissions is required for the
 11 submission of an alternative form of government for a
 12 consolidated unit of local government. The affected study
 13 commissions submitting a consolidated form shall issue a
 14 single joint report and proposal.

15 (3) An alternative form of government for a
 16 consolidated unit of local government does not need to
 17 include more than one municipality. A municipality may not
 18 be included unless the local government study commission of
 19 that municipality participates in the cooperative study and
 20 unless its study commission by a majority vote approves the
 21 proposed alternative plan for the consolidated government.

22 (4) This part shall not apply to excluded
 23 municipalities, school districts, conservancy districts,
 24 drainage districts, irrigation districts, soil and water
 25 conservation districts, or livestock districts."

Section 3. Section 7-3-1204, MCA, is amended to read:

"7-3-1204. Petition for city-county consolidated government -- election required. (1) The question of the abandonment and termination of the separate corporate existence and government of a county and of each ~~and every~~ city and town therein and the consolidation and merging of the existence and government of ~~such the~~ county and each ~~and~~ ~~all~~ of the cities and towns therein into one municipal corporation and government under the provisions of this part and part 13 shall be submitted to the qualified electors of ~~such the~~ county if a petition is filed in the office of the county clerk of ~~such the~~ county, signed by at least 20% of the electors of ~~said the~~ county whose names appear on the official register of voters of the county on the date of the filing of ~~such the~~ petition, requesting that such question be submitted to the qualified electors of the county.

(2) ~~Such the~~ petition shall be substantially in the form and shall be signed, verified, and filed in the manner prescribed in this part for initiatives ~~and referendums~~ ~~and recall~~ petitions and shall designate therein the name by which ~~such the~~ consolidated government is to be known, which must be either that of the county or of some one of the cities or towns therein."

Section 4. Section 7-3-1209, MCA, is amended to read:

"7-3-1209. Resolution declaring creation of

consolidated government. (1) At the first meeting of the commission whose members are first elected under the provisions of this part, ~~such the~~ commission shall adopt a resolution reciting the filing of the petition provided for in 7-3-1204, the ordering and holding of a special election as requested in ~~such the~~ petition, the result of ~~such the~~ election and the holding of the special election for and the election of the members of the first commission, and the name and designation of the consolidated municipality, ~~and~~ which ~~this~~ resolution must be in duplicate and signed by all of the members of the commission and also entered at length on the journal of the commission. One copy of ~~such commission the resolution~~ must be filed in the office of the clerk of the commission, and the other copy thereof must be transmitted to and filed in the office of the secretary of state.

(2) Immediately upon the adoption of ~~such the~~ resolution by the commission, the separate corporate existence of the county and of each ~~and every~~ city and town therein ~~shall be deemed~~ is considered to be consolidated and merged into one municipal corporation under the name selected, designated, and adopted as provided in this part, and ~~such the~~ consolidated municipality ~~shall thereupon be deemed~~ is considered to have succeeded to and to possess and own all of the property and assets of every kind and

description and shall, ~~save except~~ as herein otherwise provided, become responsible for all of the obligations and liabilities of the county, cities, and towns so consolidated and merged."

Section 5. Section 7-3-1214, MCA, is amended to read:

"7-3-1214. Consolidated municipality commission. (1) Except as otherwise provided in this part or part 13, all powers of the consolidated municipality ~~shall be~~ are vested in a commission. For the purpose of determining the number of members composing ~~such the~~ commission, consolidated municipalities organized under the provisions of this part and part 13 shall be classified and all of the provisions of 7-1-2111 and 7-1-2112 ~~governing and controlling~~ govern and control the classification of ~~such the~~ consolidated municipalities.

(2) (a) In consolidated municipalities of the first class ~~such the~~ commission shall consist of seven members.

(b) In consolidated municipalities of the second class, third class, ~~and or~~ fourth class, ~~such the~~ commission shall consist of five members.

(c) In consolidated municipalities of the fifth class, sixth class, ~~or seventh class, and eighth class,~~ such the commission shall consist of three members."

Section 6. Section 7-3-1215, MCA, is amended to read:

"7-3-1215. Qualifications for commission. (1) Members

of the commission must be qualified electors of the consolidated municipality ~~and must be the owners of real estate situated therein to the value of not less than \$1,000~~ and ~~shall~~ may not hold any other public office except that of notary public or member of the state militia.

(2) A member of the commission ceasing to possess any of the qualifications specified in this section shall immediately forfeit his office."

Section 7. Section 7-3-1218, MCA, is amended to read:

"7-3-1218. Meetings of commission. (1) (a) Except as provided in subsection (1)(b), at 2 p.m. on ~~June 30~~ July 1 following a regular municipal election, the commission shall meet at the courthouse in the consolidated municipality and the newly elected members shall assume the duties of office.

(b) The first meeting of ~~such the~~ commission after the special election at which the first members of the commission are elected shall be held at 2 p.m. on the first day of the third month following ~~such the~~ special election, and at ~~such this~~ meeting the members of ~~such the~~ commission shall determine by lot the members whose terms will expire on June 30 in the first year following such special election and the members whose terms will expire on ~~July 1~~ June 30 in the third year following such election.

(2) Thereafter the commission shall meet at such times as may be prescribed by ordinance or resolution, but not

1 less frequently than once in each month. Special meetings
2 shall be called by the clerk of the commission upon written
3 request of the president, the manager, or a majority of the
4 members of the commission. ~~Any such~~ A notice of a meeting
5 shall state the subject to be considered at the meeting, and
6 no other subject shall be considered at such the meeting.

7 (3) All meetings of the commission and of committees
8 thereof shall be open to the public, and the rules of the
9 commission shall provide that citizens of the municipality
10 shall have a reasonable opportunity to be heard at any such
11 meeting in regard to any matter considered thereat."

12 Section 8. Section 7-3-1225, MCA, is amended to read:

13 "7-3-1225. Vote required on certain measures. No
14 measure making or amending a grant, renewal, or extension of
15 a franchise or other special privilege shall ever may be
16 passed without first submitting the application therefor to
17 the resident-freeholders qualified electors in the manner
18 provided by 7-5-4321 and 7-5-4322."

19 Section 9. Section 7-3-1233, MCA, is amended to read:

20 "7-3-1233. Details relating to initiative and
21 referendum petitions. (1) The signatures to initiatives or
22 referendums--or-recall petitions need not all be appended to
23 one paper, but to each separate petition paper there shall
24 be attached an affidavit of the circulator thereof as
25 provided by this section. Each signer of any such petition

1 paper shall sign his name in ink or indelible pencil and
2 shall indicate after his name his place of residence by
3 street and number or other description sufficient to
4 identify the place. There shall appear on each petition
5 paper the names and addresses of five electors of the
6 municipality who, as a committee of the petitioners, shall
7 be regarded as responsible for the circulation and filing of
8 the petition. The affidavit attached to the petition paper
9 shall be as follows:

10 State of Montana, city and county of, being
11 duly sworn, deposes and says that he is the circulator of
12 the foregoing paper and that the signatures appended thereto
13 were made in his presence and are the genuine signatures of
14 the persons whose names they purport to be.

15 Signed

16 Subscribed and sworn to before me this day of
17, 19...

18

19 Notary public for the state of
20 Montana

21 Residing at, Montana

22 My commission expires

23 (2) All petition papers comprising an initiative or
24 referendum--or-recall petition shall be assembled and filed
25 with the clerk as one instrument. Within 10 days after a

1 petition is filed, the clerk shall determine whether it is
 2 signed by a sufficient number of electors and shall attach
 3 thereto a certificate showing the result of his examination.
 4 If he ~~shall certify~~ certifies that the petition is
 5 insufficient, he shall set forth in his certificate the
 6 particulars in which it is defective and shall at once
 7 notify the committee of the petitioners of his findings.

8 (3) An initiative ~~or referendum, or recall~~ petition
 9 may be amended at any time within 10 days after the making
 10 of a certificate of insufficiency by the clerk, by filing a
 11 supplementary petition upon additional papers signed and
 12 filed as provided in case of an original petition. The clerk
 13 shall, within 5 days after such amendment is filed, make
 14 examination of the amended petition, and if his certificate
 15 ~~shall show~~ shows the petition still to be insufficient, he
 16 shall file it in his office and notify the committee of the
 17 petitioners of his findings and no further action shall be
 18 had on such insufficient petition. The finding of the
 19 insufficiency of a petition shall not prejudice the filing
 20 of a new petition for the same purpose."

21 Section 10. Section 7-3-1248, MCA, is amended to read:

22 "7-3-1248. Departments of consolidated municipality.

23 (1) (a) In consolidated municipalities of the first, second,
 24 third, and ~~or fourth classes class~~, there shall be a
 25 department of finance, a police department, a department of

1 public works, a department of health, a fire department, and
 2 such other departments and offices as may be established by
 3 ordinance.

4 (b) In consolidated municipalities of the fifth,
 5 sixth, ~~or seventh, and eighth classes class~~, there shall be
 6 a department of finance, a police department, a department
 7 of public works, a department of health, and such other
 8 departments and offices as may be established by ordinance.

9 (2) The commission may change or abolish any
 10 department or office established by ordinance and may
 11 prescribe, combine, distribute, or discontinue the functions
 12 and duties thereof. Additional functions and duties may be
 13 by ordinance assigned to departments and offices created by
 14 this part or part 13, but no function or duty assigned by
 15 this part or part 13 to any such department or office shall
 16 be discontinued or assigned to any other department or
 17 office. If the manager so recommends and the commission so
 18 authorizes, the manager may appoint one person to act as the
 19 head of two or more departments or offices, but the
 20 department of law ~~must~~ may not thus be joined with any other
 21 department, nor ~~shall~~ may the manager be authorized to act
 22 as head of the department of finance or of any office
 23 therein other than of purchasing agent or assessor."

24 Section 11. Section 7-3-1272, MCA, is amended to read:

25 "7-3-1272. Procedure for primary election. (1) A

1 municipal primary election for the choice of members of the
2 commission shall be held on the last Tuesday in April in
3 each year in which members of the commission are to be
4 elected.

5 (2) All candidates for the commission receiving a
6 majority of the votes cast at the municipal primary election
7 shall be deemed considered and declared elected to the
8 commission. If candidates equal to the number of members of
9 the commission to be elected do not receive a majority of
10 the votes cast at such primary election, a municipal primary
11 general election shall be held on the first Tuesday in June
12 next following the election."

13 Section 12. Section 7-3-1331, MCA, is amended to read:
14 "7-3-1331. Department of public works. (1) The
15 department of public works ~~shall be~~ is in the charge of a
16 director, who shall manage and have charge of the
17 construction, repair, improvement, and maintenance of all
18 public buildings; of roads, streets, alleys, sidewalks,
19 bridges, viaducts, and other public ways; of sewers, drains,
20 ditches, culverts, streams, and watercourses; and of
21 boulevards, parks, playgrounds, cemeteries, and other public
22 places and grounds dedicated to public use. He shall manage
23 and control all public cemeteries, crematories, market
24 places or houses, garbage and sewage disposal plants and
25 farms, and all public utilities belonging to the

1 municipality or any subdivision thereof and shall have
2 charge of the enforcement of the obligations to the
3 municipality of all privately owned or operated public
4 utilities enforceable by the municipality. He shall have
5 charge of the cleaning, sprinkling, and lighting of the
6 streets and the collection and disposal of garbage and
7 waste. He shall also be responsible for the making and
8 preservation of all surveys, maps, plans, drawings, and
9 estimates for such public work and for the preservation of
10 contracts, papers, plans, tools, and appliances belonging to
11 the municipality and pertaining to the functions of the
12 department.

13 (2) The director of public works shall have the
14 qualifications prescribed by law for county surveyors, and
15 in addition to the duties required by this part or part 12
16 and by the ordinances of the municipality, he shall have the
17 powers and shall, either in person or by a deputy having the
18 qualifications prescribed by law for county surveyors,
19 perform the duties required of county surveyors by the laws
20 of the state."

21 Section 13. Section 7-3-1341, MCA, is amended to read:
22 "7-3-1341. Department of law. (1) The department of
23 law ~~shall be~~ is in the charge of a director to be appointed
24 by the commission without definite term, who shall be a
25 resident and elector of the municipality and who shall

1 possess all of the qualifications required of county
2 attorneys.

3 (2) He shall have all the powers and, either
4 personally or by such assistants as he may designate, shall
5 perform all the duties that now are ~~or--hereafter--may--be~~
6 prescribed for county attorneys, city attorneys, and public
7 administrators, and in addition thereto, he shall be chief
8 legal adviser of and attorney and counsel for the
9 municipality and of all departments and offices thereof and
10 shall perform such other duties as may be required by the
11 commission.

12 (3) He shall qualify by taking the oath of office
13 prescribed by the constitution and giving a bond in the
14 amount required of a public administrator in a county of the
15 same class. He shall receive from the state as part of his
16 salary the same amount which is paid by the state to county
17 attorneys in counties of the same class, and the remainder
18 of his salary shall be paid by the municipality. For all
19 purposes in connection with criminal prosecutions he shall
20 be known and designated as "county attorney of the city and
21 county of".

22 Section 14. Section 7-3-1342, MCA, is amended to read:

23 "7-3-1342. City court. (1) A city court is hereby
24 established in and for each municipality, with the
25 jurisdiction, powers, and duties within the municipality

1 provided by general law for city courts in cities and towns
2 and for justices of the peace.

3 ~~(2) The commission shall, by majority vote of all its~~
4 ~~members, appoint a city judge or judges to serve during the~~
5 ~~pleasure of the commission. No person shall be appointed~~
6 ~~city judge unless at least 25 years of age and admitted to~~
7 ~~practice law in Montana. The commission shall by ordinance~~
8 ~~determine the number of judges required for operation of the~~
9 ~~city court. City court judges are to be elected every 4~~
10 ~~years in a nonpartisan election held in conjunction with the~~
11 ~~regularly scheduled general election. The term of office for~~
12 ~~city judge is 4 years.~~

13 (3) The qualifications to hold the office of city
14 judge shall be set by ordinance by the commission. The
15 ordinance shall be consistent with any rules adopted by the
16 Montana supreme court on city judge qualifications.

17 (4) Whenever a vacancy occurs in the office of city
18 judge, the commission shall appoint a qualified individual
19 to serve for the remainder of the term. The compensation of
20 the city judge or judges shall be fixed by the commission."

21 Section 15. Section 7-3-1343, MCA, is amended to read:

22 "7-3-1343. Police department. (1) The police
23 department ~~shall be~~ is in the charge of a director, who
24 shall be chief of the police force of the municipality. The
25 director shall have the powers and perform the duties

1 conferred on and required of sheriffs.

2 (2) Officers and patrolmen of the police department,
3 subordinate to the director, ~~shall~~ have the powers and
4 ~~perform the~~ duties conferred on and required of police
5 officers and patrolmen in cities and towns by the laws of
6 this state and such powers and duties as may be conferred
7 and required by the ordinances of the municipality. Police
8 officers and patrolmen ~~shall~~ have the powers and ~~perform the~~
9 duties conferred on and required of deputy sheriffs by the
10 general laws of the state.

11 (3) For the purpose of serving and making return on
12 all criminal and civil process, executing judgments,
13 decrees, and orders of court, and making sales thereunder
14 and returns thereof, the director shall be known and
15 designated as Sheriff of the city and county of and
16 each police officer and patrolman shall be known and
17 designated as deputy sheriff."

18 Section 16. Section 7-3-1345, MCA, is amended to read:

19 "7-3-1345. Fire department. (1) The fire department of
20 the municipality ~~shall be~~ is in the charge of a director,
21 who shall be chief thereof and who shall manage and control
22 the department in the manner prescribed by the ordinances of
23 the municipality.

24 (2) (a) Notwithstanding any other provision of law,
25 the adoption of a consolidated county municipal government

1 shall have no effect on the existence, rights, or duties of
2 any voluntary fire department or fire district created and
3 legally in existence pursuant to the provisions of parts 21
4 and 23 of chapter 33.

5 (b) Nothing in this part or part 12 shall be construed
6 to prohibit the creation of voluntary fire departments or
7 fire districts pursuant to the provisions of parts 21 and 23
8 of chapter 33 within consolidated county municipalities.

9 (c) Voluntary fire departments or fire districts
10 within consolidated county municipalities ~~shall may~~ only be
11 organized, created, supported, financed, dissolved, and
12 managed and their boundaries ~~shall may~~ only be changed
13 pursuant to the provisions of parts 21 and 23 of chapter 33.
14 These organizations may enter mutual aid agreements as
15 provided by 7-33-2108."

16 Section 17. Section 7-3-2104, MCA, is amended to read:

17 "7-3-2104. Notice of election. It ~~shall be~~ is the duty
18 of the board of county commissioners to publish a notice of
19 the referendum in a daily paper ~~newspaper~~ twice a week for a
20 period of 3 consecutive weeks or, in case there is no daily
21 paper ~~newspaper~~ of wide circulation in the county, then in a
22 weekly paper ~~newspaper~~ for 4 consecutive weeks."

23 Section 18. Section 7-3-2109, MCA, is amended to read:

24 "7-3-2109. Provisions for board elected at large. (1)
25 Under all optional forms of county government whereby the

entire board of county commissioners is elected at large, there shall be a board of county commissioners who shall have the qualifications and shall be nominated and elected as provided by general law except as otherwise provided for in this section.

(2) If the electors of a county approve a proposition to adopt an optional form of county government under this part and thereby adopt a different size board, the change in membership shall be effected as follows:

(a) Whenever the number of members of the board is increased, there shall be elected at the next regular state election following the adoption of such provision a sufficient number of county commissioners to bring the total membership of the board up to the number fixed. ~~County commissioners shall first serve a term of 6 years, except the candidates first elected under the provisions of this section.~~

(b) Whenever the number of members of the board is decreased, the optional number of county commissioners adopted under this part shall be effective as to the commissioner with the least time left on his term on the first Monday in January following the next regular state election and, as to the other half of the decrease, on the first Monday in January 2 years later. The latter decrease in board size shall also be determined by the least time

left on his term and, should two commissioners have the same amount of term left to serve, then by lot.

(3) The term of office of county commissioners ~~shall be 6 years except as provided in this subsection section.~~ If the optional form as adopted provides for no change in size of the board of county commissioners, county commissioners shall continue to be elected for 6-year terms. ~~if the optional form as adopted provides for an increased membership on the board as provided in this part, the additional members shall be elected to the board at the first regular state election subsequent to the adoption of the alternative form.~~

(4) If the first election under an optional form of county government provided for in this part occurs in a year in which one county commissioner is to be elected under the former law and the optional form as adopted provides for an expansion of the board to five commissioners, there shall be elected for a staggered term ~~terms~~ two commissioners for a 6-year term and one commissioner for a 4-year term as provided in this part.

~~(5) At all succeeding elections after the first regular state election subsequent to adoption of an optional form, all members of the board of county commissioners shall continue to be elected for 6-year terms.~~

Section 19. Section 7-3-4224, MCA, is amended to read:

1 "7-3-4224. Petition for initiative. (1) Any proposed
2 ordinance may be submitted to the council by petition signed
3 by electors of the city equal in number to the percentage
4 hereinafter required. ~~The signature, verification,~~
5 ~~inspection, certification, amendment, and submission of such~~
6 ~~petition shall be the same as provided for petition under~~
7 ~~former 11-3132.~~

8 (2) If the petition accompanying the proposed
9 ordinance be ~~is~~ signed by electors equal in number to 25% ~~or~~
10 ~~more~~ of the entire number of persons registered to vote at
11 the last preceding general election and contains a request
12 that the said ordinance be submitted to a vote of the people
13 if not passed by the council, such ~~the~~ council shall either:

14 (a) pass such ~~the~~ ordinance without alteration within
15 20 60 days after the ~~attachment of the clerk's certificate~~
16 ~~to the accompanying receipt of the~~ petition; or

17 (b) ~~forthwith, after the clerk shall attach to the~~
18 ~~petition accompanying such ordinance his certificate of~~
19 ~~sufficiency, call a special election, unless a general~~
20 ~~municipal election is fixed by law within 30 days~~
21 ~~thereafter, and at such the special or general municipal~~
22 ~~election, if one is so fixed, such the proposed ordinance~~
23 ~~shall be submitted to the vote of the electors of such city.~~

24 (3) If the petition is signed by not less than at
25 least 10% or but not more than 25% of the electors, as above

1 defined, then the council shall within 20 60 days pass said
2 the ordinance without change or submit the same at the next
3 general city election occurring after the ~~clerk's~~
4 ~~certificate of sufficiency is attached to said receipt of~~
5 ~~the petition.~~

6 Section 20. Section 7-3-4227, MCA, is amended to read:

7 "7-3-4227. Abandonment of commission form. (1) Any
8 city which ~~shall have~~ has operated for more than 1 year
9 under the provisions of this part may abandon such
10 organization hereunder and accept the provisions of the
11 general law of the state then applicable to cities of its
12 population.

13 (2) Upon the petition of not less than 10% of the
14 electors of such ~~the~~ city registered for the last preceding
15 general election, the following proposition shall be placed
16 upon the ballot at the next regular city election, provided
17 the petition be ~~is~~ filed at least 60 days prior to the date
18 of such ~~the~~ election:

19 "Shall the city of (name of city) abandon its
20 organization under chapter 57 of the acts of the twelfth
21 legislative assembly and become a city under the general law
22 governing cities of like population or, if formerly
23 organized under special charter, resume said ~~the~~ special
24 charter?"

25 (3) If the majority of the votes cast at such election

be ~~is~~ in favor of such proposition, the officers elected at the next succeeding biennial election shall be those then prescribed by the general law of the state for cities of like population, and upon the qualification of ~~such these~~ officers, ~~such the~~ city shall become a city under ~~such the~~ general law of the state, but ~~such this~~ change ~~shall may~~ not in any manner or degree affect the property, rights, or liabilities of any nature of ~~such the~~ city but shall merely extend to each change in its form of government.

(4) ~~The sufficiency of such petition shall be determined, the election ordered and conducted, and the results declared generally as provided for by former 11-3132 insofar as the provisions thereof are applicable or if now organized under special charter, may resume said special charter. Whenever the form of government of any city is determined by a vote of the people under the provision of this section, the same question shall may not be submitted again for a period of 2 years, and any ordinance adopted by a vote of the people shall not be repealed or the same question submitted for a period of 2 years."~~

Section 21. Section 7-3-4233, MCA, is amended to read:

"7-3-4233. Statement and petition of candidacy. (1)

Any qualified elector of ~~said the~~ city ~~who is the owner of any real estate situated therein,~~ desiring to become a candidate for mayor or councilman shall, at least 10 days

prior to ~~said the~~ primary election, file with the city clerk a statement of ~~such~~ candidacy and shall at the same time file ~~therewith~~ the petition of at least 25 qualified voters requesting such candidacy. Each petition shall be verified by one or more persons as to qualifications and residence, with street number, of each of the persons so signing the petition.

(2) The statement shall be in substantially the following form:

State of Montana)

)ss.

County of)

I,, being first duly sworn, say that I reside at street, city of, county of, state of Montana; that I am a qualified voter therein; that I am a candidate for nomination to the office of (mayor or councilman) to be voted upon at the primary election to be held on the Monday of, 19...; and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for such office.

(Signed)

Subscribed and sworn to (or affirmed) before me by on this day of, 19...

(Signed)

(3) The petition shall be in substantially the

1 following form:

2 The undersigned, duly qualified electors of the city of
3 and residing at the places set opposite our respective
4 names hereto, do hereby request that the name of (name of
5 candidate) be placed in the ballot as a candidate for
6 nomination for (name of office) at the primary election to
7 be held in such city on the Monday of, 19... We
8 further state that we know him/her to be a qualified elector
9 of said city and a person of good moral character and
10 qualified, in our judgment, for the duties of such office.

11	Names of qualifying electors	Number	Street
12			
13			

14 (4) Each signer of a nomination paper shall ~~may~~ sign
15 but one such nomination paper for the same office, except
16 where ~~whenever~~ more than one officer is to be elected to the
17 same office, in which case he may sign as many nomination
18 papers as there are officers to be elected; and only one
19 candidate shall be petitioned for or nominated in the same
20 nomination paper."

21 Section 22. Section 7-3-4333, MCA, is amended to read:

22 "7-3-4333. Special provisions for election on question
23 related to expenditures. ~~(1) In case whenever~~ a petition be
24 is filed requiring that a measure passed by the commission
25 providing for an expenditure of money, a bond issue, or a

1 public improvement be submitted to a vote of the electors,
2 all steps preliminary to such expenditure, actual issuance
3 of the bonds, or actual execution of the contract for such
4 improvement may be taken prior to the election. ~~At such~~
5 ~~election only resident taxpayers of such city or town whose~~
6 ~~names, as such, appear upon the assessment roll and who are~~
7 ~~also~~ Any qualified electors of said the city or town shall
8 be entitled to ~~may~~ vote at such election.

9 ~~(2) At any and all elections in such city or town at~~
10 ~~which questions relating to bond issues, tax levies, or the~~
11 ~~expenditure of money shall be submitted, no person shall be~~
12 ~~entitled to vote unless qualified as provided in this~~
13 ~~sections"~~

14 Section 23. Section 7-3-4352, MCA, is amended to read:
15 "7-3-4352. Election and campaign practices. (1) Any
16 person who ~~shall agree~~ agrees to perform any services in the
17 interest of any candidate for any office provided in this
18 part or part 44, in consideration of any money or other
19 valuable thing for such services ~~performed in the interest~~
20 ~~of any candidate, shall be punished, is punishable~~ by a
21 fine not exceeding \$300 or ~~be imprisoned by imprisonment~~ in
22 the county jail ~~for a period~~ not exceeding 30 days or by
23 both such fine and imprisonment.

24 (2) Any person offering to give a bribe, either in
25 money or other consideration, to any elector for the purpose

1 of influencing his vote at any election provided in this
 2 part or part 44 or any elector entitled to vote at any such
 3 election receiving and accepting such bribe or other
 4 consideration; any person who agrees, by promise or written
 5 statement, that he will do or will not do any particular act
 6 or acts for the purpose of influencing the vote of any
 7 elector or electors at any election provided in this part or
 8 part 44; any person making false answer to any of the
 9 provisions of this part or part 44 relative to his
 10 qualifications to vote at such election; any person
 11 willfully voting or offering to vote at such election who
 12 has not met the residency requirement of the state of
 13 Montana or is not a citizen of the United States or knowing
 14 ~~knows~~ himself not to be a qualified elector of such precinct
 15 where he offers to vote; or any person knowingly procuring,
 16 aiding, or abetting any violation hereof ~~shall be deemed is~~
 17 guilty of a misdemeanor and upon conviction ~~shall be fined a~~
 18 ~~sum is punishable by a fine~~ of not less than \$100 or more
 19 than \$500 or ~~be imprisoned by imprisonment~~ in the county
 20 jail ~~for a period~~ not less than 10 or more than 90 days or
 21 by both such fine and imprisonment."

22 Section 24. Section 7-3-4365, MCA, is amended to read:
 23 "7-3-4365. Investigations by commission. (1) The
 24 commission or any committee thereof duly authorized by the
 25 commission to do so may investigate the financial

1 transactions of any office or department of the municipal
 2 government and the official acts of any municipal official
 3 and by similar investigations may secure information upon
 4 any matter.

5 (2) In conducting such investigations, the commission
 6 or any committee thereof may compel the attendance of
 7 witnesses and the production of books, papers, and other
 8 evidence and for that purpose may issue subpoenas or
 9 attachments, which shall be signed by the presiding officer
 10 of the commission or the chairman of such committee, as the
 11 case may be, and which may be served and executed by any
 12 officer authorized by law to serve subpoenas or other
 13 process. ~~if any witness shall refuse to testify to any facts~~
 14 ~~within his knowledge or to produce any papers or books in~~
 15 ~~his possession or under his control relating to the matter~~
 16 ~~under inquiry before the commission or any such committee~~
 17 ~~the commission shall have the power to cause the witness to~~
 18 ~~be punished for contempt.~~ No witness shall ~~may~~ be excused
 19 from testifying touching his knowledge of the matter under
 20 investigation in any such inquiry, but such testimony shall
 21 may not be used against him in any criminal prosecution
 22 except for perjury committed upon such inquiry."

23 Section 25. Section 7-3-4366, MCA, is amended to read:
 24 "7-3-4366. Investigatory powers of city manager. The
 25 city manager may, without notice, cause the affairs of any

department or the conduct of any officer or employee to be examined. Any person or persons appointed by the city manager to examine the affairs of any department or the conduct of any officer or employee shall have ~~has~~ the same power to compel the attendance of witnesses and the production of books and papers and other evidence and to ~~cause witnesses to be punished for contempt as is conferred upon the commission by this part.~~"

Section 26. Section 7-3-4445, MCA, is amended to read:

~~"7-3-4445. Survey and plats of subdivided Subdivided lands. (1) Any owner of lots or grounds within the municipality who subdivides or lays them out for sale must cause to be made an accurate survey and plat thereof, conforming in all things to the provisions of former 11-602 to 11-614, inclusive, and shall also file with the clerk of the commission a duly certified copy of such plat or plats.~~

~~(2) The map or plat recorded under the provisions of the foregoing sections shall thereupon be sufficient conveyance to vest in the municipality the fee of the parcel of land designated or intended for streets, alleys, ways, commons, or other public uses, to be held in the corporate name in trust to and for the uses and purposes in the instrument set forth, expressed, designated, or intended.~~
Subdivisions in the municipality must conform to the provisions of Title 76, chapter 3."

Section 27. Section 7-3-4448, MCA, is amended to read:

"7-3-4448. Vacating or changing name of street. (1)

The commission, in vacating any street or part of a street or changing the name of any street, may include in one ordinance the change of name or the vacation or narrowing of more than one street, alley, or avenue. Before vacating any street or part thereof or narrowing any street, the commission shall first pass a resolution declaring its intention to do so.

(2) The city manager shall ~~cause serve~~ notice of such ~~the~~ resolution to be served, in the manner that service of summons is required to be made in civil actions, upon all persons whose property abuts upon the portion of the street affected by the proposed vacation or narrowing and by ~~publication shall publish notice~~ once in one daily newspaper of general circulation in the municipality if such there be ~~and~~ is one or if not, once in one weekly newspaper of ~~111-~~ circulation, ~~as to all persons who cannot be personally served.~~ ~~Said~~ ~~The~~ notice shall state the time and place at which ~~objection~~ objections will be heard.

(3) Unless at least 51% of the affected property owners object to the proposed vacation or narrowing, the commission may by ordinance declare such vacation or narrowing, ~~and such~~ ~~The~~ order of the commission vacating or narrowing a street or alley which has been dedicated to

1 public use by the proprietor ~~shall~~, to the extent that it is
2 vacated or narrowed, ~~operate~~ operates as a revocation of the
3 acceptance thereof by the commission, but the right-of-way
4 and easement therein of any lot owner ~~shall~~ is not be
5 impaired thereby."

6 Section 28. Repealer. Sections 11-3221 through 11-3227
7 and 11-3541 through 11-3547, R.C.M. 1947, are repealed.

-End-

COMMITTEE ON LOCAL GOVERNMENT -- SENATE BILLS

SENATE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
SB 306	1-31	2-7;2-10	2-10	2-10					
SB 307	1-31	2-7	2-7	2-7					
SB 308	1-31	2-7	2-7	2-7					
SB 310	1-31	2-7	2-7	2-7					
SB 314	2-2	2-7;2-10	2-10			2-10			
SB 330	2-1	2-8;2-10	2-10			2-10			
SB 332	2-2	2-7	2-7	2-7					
SB 333	2-2	2-7	2-7	2-7					
SB 334	2-2	2-7	2-7	2-7					
SB 335	2-2	2-7	2-7	2-7					
SB 336	2-2	2-7	2-7			2-7			
SB 337	2-2	2-7;2-10	2-10	2-10					
SB 338	2-2	2-7	2-7	2-7					
SB 339	2-2	2-7	2-7	2-7					
SB 340	2-2	2-7;2-10	2-10			2-10			
SB 350	2-3	2-7;2-10	2-10	2-10					
SB 352	2-3	2-13;2-15	2-15			2-15			

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

February 7, 1979

The meeting of the Local Government Committee was called to order by Chairman, George McCallum on February 7, 1979 at 7:00 p.m. in Room 405 of the State Capitol Building.

ROLL CALL: All members were present.

Dennis Taylor, Staff Researcher, was also present.

A very few visitors were in attendance, but did not testify. (See attachment.)

Larry Weinburger, Staff Attorney, lead the discussion on the Code Commissioner Bills as he is the one who worked on the bills. Mr. Weinburger stated that much of the legislation concerning these bills dates back to the 1880's and some of the language needed to be changed to fit the more recent legislation. Land holder and freeholder requirements have been stricken down by the codes. Mr. Weinburger stated that in reviewing the codes he decided on some things because he felt they would stand up better in court, if ever put to the test.

CONSIDERATION OF SENATE BILL 334: Senator Jesse O'Hara, of Senate District 18, is sponsor of Senate Bill 334. This bill is an act to amend local government laws relating to rural fire districts, hospital districts, and cemetery districts to delete taxpayer and freeholder requirements to vote in certain elections and to hold certain offices. Senate Bill 334 is designed to bring to the legislature's attention several problems related to taxpayer and freeholder requirements concerning certain activities related to fire districts, hospital districts and cemetery districts. Supreme court decisions by the Montana and United States Supreme Courts have called into question the constitutional validity of taxpayer and/or freeholder requirements for voting and holding office in areas which are of a general governmental nature.

CONSIDERATION OF SENATE BILL 336: Senator Pete Story, of Senate District 37, is the sponsor of the bill. This bill is an act to generally revise and clarify the local government laws relating to general provisions and to the creation, alteration, and abandonment of local governments. For the most part, this bill only had a few small things that needed to be changed.

CONSIDERATION OF SENATE BILL 333: Senator Robert D. Watt, OF Senate District 49, is the sponsor of this bill. Senate Bill 333 is an act to generally revise and clarify the local government laws relating to alternative forms of local government.

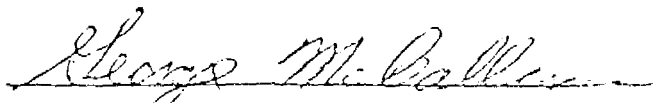
DISPOSITION OF SENATE BILL 338: A motion was made by Senator Peterson that Senate Bill 338 be given a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 333: A motion was made by Senator Watt that Senate Bill 333 be given a "DO PASS" recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 336: A motion was made by Senator Story that Senate Bill 336 be amended on page 15. Motion carried.

A motion was made by Senator Story that Senate Bill 336 be given a "DO PASS, as amended" recommendation from the Committee. Motion carried.

ADJOURN: With no further business the meeting was adjourned at 10:40 p.m. with the next meeting to be held on Thursday, February 8, at 12:30 in Room 405.


CHAIRMAN, GEORGE MCCALLUM

Jan 21/79

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
GEORGE MCCALLUM, CHAIRMAN	✓		
LLOYD LOCKREN, VICE CHAIRMAN	✓		
MAX CONOVER	✓		
JESSE A. O'HARA	✓		
BOB PETERSON	✓		
A. T. (TOM) RASMUSSEN	✓		
PETE STORY	✓		
BILL THOMAS	✓		
ROBERT D. WATT	✓		

Each Day Attach to Minutes.

STANDING COMMITTEE REPORT

.....February 8..... 19 79

MR.President:.....

We, your committee on.....Local Government.....

having had under considerationSenate..... Bill No.333.....

Respectfully report as follows: That.....Senate..... Bill No.333.....

DO PASS

LOCAL GOVERNMENT COMMITTEE

46th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
SB 333	To clarify alternative forms of local government	2/14/79	WATT	Tuesday March 6	CONCURRED IN	3/6/79
SB 334	Allow on rural fire, hospital, cemetery districts to remove freeholder requirements on voting	2/14/79	O'HARA	Thursday March 6 12:30 pm	CONCURRED IN	3/6/79
SB 335	Generally revise laws relating to local government officers	2/15/79	LOCKREM	Thursday March 6	AS AMENDED CONCURRED IN	3/6/79
SB 336	Clarify general provisions on creating, altering, or abandoning local gov't	2/14/79	STORY	Thursday March 6	CONCURRED IN	3/6/79
SB 338	Clarify emergency, law enforcement, fire and cemetery laws	2/14/79	PETERSON	Thursday March 6	CONCURRED IN	3/6/79
SB 339	Clarify re: financial, administration and taxation	2/14/79	RASMUSSEN	Thursday March 6	CONCURRED IN	3/6/79

MARCH 6, 1979
PROCEEDINGS OF THE
HOUSE OF REPRESENTATIVES
LOCAL GOVERNMENT COMMITTEE

The meeting was called to order at 12:30 p.m. by Chairman Hershel Robbins. The secretary called roll and found a majority of members present. Those absent were Representatives Sales, Gould, South, Kessler and Moore.

Chairman Robbins then announced that the committee would hear 16 bills at this meeting. These were considered as recodification bills. He then stated that they would be introduced by Larry Wineberg. However, a member of the committee would have to introduce each bill and carry them on the House floor. The Senators sponsoring the bills had not been asked to be present.

Chairman Robbins then introduced Larry Wineberg. Mr. Wineberg stated the bills had been worked on for several years and at least six months work had gone into the recodification. He stated except for the first bill they go through title VII in the code. In general there were some word changes, such as "treasurer" to "treasury" in eighth class counties. There were also some changes on recall petitions, and he explained many of the laws date back to 1895 and 1900, and commissioners were having problems with enforcement of some of these old laws.

SENATE BILL 334: Senate Bill 334 was introduced by Representative Orren Vinger, District 3. He then called on Larry Wineberg to explain the bill. Mr. Wineberg explained that this law would delete the freeholder requirements for district elections, petitions, and various areas that had required freeholders voting in elections due to the Supreme Court decisions. He stated this would also apply to GO bonds and revenue bonds. He stated that there was one area where this would not apply; this would be irrigation districts because these are charged on the amount of land a person owns and because of this charge, irrigation districts would remain that only landowners could vote in the election. He then further explained regarding page 1, section 3, relating to hospital districts. He explained that in hospital districts the services were available to everyone not just property owners. This was the reason for deletion of the freeholder requirement. It was also explained that there couldn't be freeholder elections in a cemetery district.

Senator Story then stated he would introduce all of the remaining bills, as a representative of the Senate Local Government Committee. The House Local Government Committee could then hear the bills as time permitted. A list of the bills is as follows, as were introduced by Senator Story:

Senate Bill 334 (continued)

Senate Bill 334, sponsored by Senator O'Hara, deleting freeholder requirements in fire, hospital and cemetery districts:

Senate Bill 336, introduced by Senator Story, creating alternate forms of government:

Senate Bill 333, introduced by Senator Watt, also relating to alternative forms of local government:

Senate Bill 308, introduced by Senator Rasmussen, relating to city-county consolidation:

Senate Bill 335, introduced by Senator Lockrem, dealing with local government officers:

Senate Bill 305, introduced by Senator Watt, regarding conduct of business of local officers:

Senate Bill 310, introduced by Senator Story, regarding sovereign immunity of local governments:

Senate Bill 339, introduced by Senator Rasmussen, relating to financial administration and taxation in local governments:

Senate Bill 332, introduced by Senator Watt, dealing with debt management of local governments:

Senate Bill 350, introduced by Senator McCallum, dealing with forms of GO bonds and sinking funds:

Senate Bill 306, introduced by Senator McCallum, relating to percentage limits of indebtedness of local governments:

Senate Bill 307, introduced by Senator O'Hara, dealing with GO bond review:

Senate Bill 337, introduced by Senator Conover, regarding improvement districts:

Senate Bill 340, introduced by Senator Thomas, regarding transportation, construction, culture and social services departments of local governments:

Senate Bill 314, introduced by Senator Conover, relating to business, agriculture, livestock, weed and pest control districts:

Senate Bill 338, introduced by Senator Peterson, relating to emergency law enforcement and fire districts.

SENATE BILL 336: Larry Wineberg explained to the committee there would be an amendment on page 15, lines 11 through 17. This would deal with termination of county forms of government. He stated although this was not likely, it still had to be included. More substantial changes were made on page 19, section 18 of the bill. This would change population from 20,000 to 35,000. He then stated the only place the annexation laws were changed would be with a vote on municipal improvements and this would remain for residents.

SENATE BILL 333: Mr. Wineberg explained this was merely a bill dealing with alternative forms of government. He did not go into full explanation at this time.

SENATE BILL 308: Mr. Wineberg stated this relates to city-county consolidation. He stated Butte had formed their consolidation in 1975. However, they didn't use the material that is being repealed by this bill. It has been on the books for fifty years and no city-county consolidation has used it. There was then inquiry by committee members as to what it does take to consolidate. Mr. Wineberg explained that type II procedure has been used. Representative Vinger inquired about what would happen if they consolidated relating to local road work. Mr. Wineberg explained this agreement is still on the books. Hearing was then closed on Senate Bill 308.

SENATE BILL 335: Mr. Wineberg explained this bill pertains to filing of judgments and dates back to a time when a married woman couldn't enter into a contract in her own name. It also related to the individual rights of a woman to sign a contract. He stated on page 19 and 20, this was further explained. Other parts of the bill are in section 26-16. It also relates to salaries of certain local officials. There were no questions from committee members and hearing was closed on Senate Bill 335.

SENATE BILL 305: Larry Wineberg explained this bill deals with section 7-5-2124, also section 16-1008 in the revised codes of Montana. He explained that on advisory boards a member of the Legislature cannot be on a local board, and should not be appointed. There was then discussion by committee members as to certain boards they were aware of where people held public office and also were appointed to boards. Some members felt that these were the only people who would consider taking some of these positions. Mr. Wineberg pointed out that it would relate strictly to legislators. Hearing was then closed on Senate Bill 305.

SENATE BILL 310: Mr. Wineberg explained this bill relates to sovereign immunity of local governments. There was no discussion by committee members. Hearing was then closed on Senate Bill 310.

SENATE BILL 307: Mr. Wineberg explained this deals with the Attorney General's office reviewing bonds and issues of local governments. There were no questions by committee members. Hearing was then closed on Senate Bill 307.

SENATE BILL 337: Mr. Wineberg explained this bill deals with improvement districts and utility services. He stated there basically were no major changes. It did include the freeholder requirements and that change. There were no questions by committee members. Hearing was then closed on Senate Bill 337.

SENATE BILL 340: Larry Wineberg pointed out this bill had been amended by the Senate, page 10, section 13. He stated they had amended parking and parkway. These two words had been eliminated. This appeared to be the only change and hearing was then closed.

SENATE BILL 314: Mr. Wineberg stated this deals with the County Weed Board. It deals with land and agricultural landowners. He stated this would change to residents and would include freeholders. Mr. Wineberg further explained the Senate felt the Weed Board Commission was an agricultural district and should remain with the property owners. There were no questions from committee members and hearing was closed on Senate Bill 314.

SENATE BILL 338: Mr. Wineberg stated the committee should be aware of certain sections, pages 8 and 9, 20 and 40, 18 and 35. He stated this deals with certain exceptions and applications for law enforcement. There were no questions by committee members and hearing was closed on Senate Bill 338.

Chairman Robbins then announced that one bill had been referred to Taxation and inquired if the committee wished to take executive action on the remainder. They stated they didn't.

Representative Bertelsen moved that Senate Bill 334 be concurred in. All voted "aye" except Representative Sales. Motion carried.

Representative Gould moved that Senate Bill 336 be concurred in. All voted "aye." Motion carried.

SENATE BILL 333: Representative Kemmis moved Senate Bill 333 be concurred in. All voted "aye." Motion carried.

Representative Waldron then moved that Senate Bill 333 be placed on the consent calendar. Vote was called. Motion did not pass. Senate Bill 333 was not able to be placed on the consent calendar.

SENATE BILL NO. 333

INTRODUCED BY WATT

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LOCAL GOVERNMENT LAWS RELATING TO ALTERNATIVE FORMS OF LOCAL GOVERNMENT; REPEALING SECTIONS 11-3221 THROUGH 11-3227 AND 11-3541 THROUGH 11-3547, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-3-101, MCA, is amended to read:

"7-3-101. Compliance with constitution. (1) The purpose of parts 1 through 7 is to comply with Article XI, section 3(1), of the Montana constitution, which provides: "The legislature shall provide such optional or alternative forms of government that each unit or combination of units may adopt, amend, or abandon an optional or alternative form by a majority of those voting on the question."

(2) Parts 1 through 7 establish the alternative forms of government for cities, towns, counties, and consolidated governments. These parts shall be liberally construed to facilitate the adoption of a form of local government. The procedure--to--adopt--amend--or--abandon--these--forms--is provided-in-this-part."

Section 2. Section 7-3-1101, MCA, is amended to read:

"7-3-1101. City-county consolidation authorized. (1) A county and a city or town within the county may unite to form a single unit of local government under the provisions of this part.

(2) An alternative form of government, including a charter form, for a consolidated unit of government may be submitted to the voters only by those study commissions that have cooperated under section 6, Chapter 222, laws of 1974 in the formulation of the plan. A majority vote by each of the affected study commissions is required for the submission of an alternative form of government for a consolidated unit of local government. The affected study commissions submitting a consolidated form shall issue a single joint report and proposal.

(3) An alternative form of government for a consolidated unit of local government does not need to include more than one municipality. A municipality may not be included unless the local government study commission of that municipality participates in the cooperative study and unless its study commission by a majority vote approves the proposed alternative plan for the consolidated government.

(4) This part shall not apply to excluded municipalities, school districts, conservancy districts, drainage districts, irrigation districts, soil and water conservation districts, or livestock districts."

Section 3. Section 7-3-1204, MCA, is amended to read:

"7-3-1204. Petition for city-county consolidated government -- election required. (1) The question of the abandonment and termination of the separate corporate existence and government of a county and of each end-every city and town therein and the consolidation and merging of the existence and government of such ~~the~~ county and each and ~~all~~ of the cities and towns therein into one municipal corporation and government under the provisions of this part and part 13 shall be submitted to the qualified electors of such ~~the~~ county if a petition is filed in the office of the county clerk of such ~~the~~ county, signed by at least 20% of the electors of said ~~the~~ county whose names appear on the official register of voters of the county on the date of the filing of such ~~the~~ petition, requesting that such question be submitted to the qualified electors of the county.

(2) ~~Such~~ ~~the~~ petition shall be substantially in the form and shall be signed, verified, and filed in the manner prescribed in this part for initiative ~~and referendum~~ and ~~rece~~ petitions and shall designate therein the name by which such ~~the~~ consolidated government is to be known, which must be either that of the county or of some one of the cities or towns therein."

Section 4. Section 7-3-1209, MCA, is amended to read:

"7-3-1209. Resolution declaring creation of

consolidated government. (1) At the first meeting of the commission whose members are first elected under the provisions of this part, such ~~the~~ commission shall adopt a resolution reciting the filing of the petition provided for in 7-3-1204, the ordering and holding of a special election as requested in such ~~the~~ petition, the result of such ~~the~~ election and the holding of the special election for and the election of the members of the first commission, and the name and designation of the consolidated municipality, ~~and~~ which ~~this~~ resolution must be in duplicate and signed by all of the members of the commission and also entered at length on the journal of the commission. One copy of such ~~commission~~ ~~the resolution~~ must be filed in the office of the clerk of the commission, and the other copy thereof must be transmitted to and filed in the office of the secretary of state.

(2) Immediately upon the adoption of such ~~the~~ resolution by the commission, the separate corporate existence of the county and of each end-every city and town therein ~~shall-be-deemed~~ is considered to be consolidated and merged into one municipal corporation under the name selected, designated, and adopted as provided in this part, and such ~~the~~ consolidated municipality ~~shall-thereupon-be~~ deemed is considered to have succeeded to and to possess and own all of the property and assets of every kind and

1 description and shall, save ~~except~~ as herein otherwise
 2 provided, become responsible for all of the obligations and
 3 liabilities of the county, cities, and towns so consolidated
 4 and merged."

5 Section 5. Section 7-3-1214, MCA, is amended to read:

6 "7-3-1214. Consolidated municipality commission. (1)
 7 Except as otherwise provided in this part or part 13, all
 8 powers of the consolidated municipality ~~shall be~~ are vested
 9 in a commission. For the purpose of determining the number
 10 of members composing such ~~the~~ commission, consolidated
 11 municipalities organized under the provisions of this part
 12 and part 13 shall be classified and all of the provisions of
 13 7-1-2111 and 7-1-2112 ~~governing and controlling~~ govern and
 14 ~~control~~ the classification of such ~~the~~ consolidated
 15 municipalities.

16 (2) (a) In consolidated municipalities of the first
 17 class such ~~the~~ commission shall consist of seven members.

18 (b) In consolidated municipalities of the second
 19 class, third class, and or fourth class, such ~~the~~ commission
 20 shall consist of five members.

21 (c) In consolidated municipalities of the fifth class,
 22 sixth class, or seventh class, ~~and eighth class~~, such ~~the~~
 23 commission shall consist of three members."

24 Section 6. Section 7-3-1215, MCA, is amended to read:

25 "7-3-1215. Qualifications for commission. (1) Members

1 of the commission must be qualified electors of the
 2 consolidated municipality ~~and--must--be--the--owners--of--real~~
 3 ~~estate--situated--therein--to--the--value--of--not--less--than--\$1,000~~
 4 and shall ~~may~~ not hold any other public office except that
 5 of notary public or member of the state militia.

6 (2) A member of the commission ceasing to possess any
 7 of the qualifications specified in this section shall
 8 immediately forfeit his office."

9 Section 7. Section 7-3-1218, MCA, is amended to read:

10 "7-3-1218. Meetings of commission. (1) (a) Except as
 11 provided in subsection (1)(b), at 2 p.m. on ~~June 30~~ July 1
 12 following a regular municipal election, the commission shall
 13 meet at the courthouse in the consolidated municipality and
 14 the newly elected members shall assume the duties of office.

15 (b) The first meeting of such ~~the~~ commission after the
 16 special election at which the first members of the
 17 commission are elected shall be held at 2 p.m. on the first
 18 day of the third month following such ~~the~~ special election,
 19 and at such ~~this~~ meeting the members of such ~~the~~ commission
 20 shall determine by lot the members whose terms will expire
 21 on June 30 in the first year following such special election
 22 and the members whose terms will expire on ~~July 1~~ June 30 in
 23 the third year following such election.

24 (2) Thereafter the commission shall meet at such times
 25 as may be prescribed by ordinance or resolution, but not

less frequently than once in each month. Special meetings shall be called by the clerk of the commission upon written request of the president, the manager, or a majority of the members of the commission. ~~Any such~~ A notice of ~~a~~ meeting shall state the subject to be considered at the meeting, and no other subject shall be considered at such ~~the~~ meeting.

(3) All meetings of the commission and of committees thereof shall be open to the public, and the rules of the commission shall provide that citizens of the municipality shall have a reasonable opportunity to be heard at any such meeting in regard to any matter considered thereat."

Section 8. Section 7-3-1225, MCA, is amended to read:

"7-3-1225. Vote required on certain measures. No measure making or amending a grant, renewal, or extension of a franchise or other special privilege ~~shall ever~~ may be passed without first submitting the application therefor to the ~~resident--freeholders~~ qualified electors in the manner provided by 7-5-4321 and 7-5-4322."

Section 9. Section 7-3-1233, MCA, is amended to read:

"7-3-1233. Details relating to initiative and referendum petitions. (1) The signatures to initiative ~~or referendum--or-recast~~ petitions need not all be appended to one paper, but to each separate petition paper there shall be attached an affidavit of the circulator thereof as provided by this section. Each signer of any such petition

paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number or other description sufficient to identify the place. There shall appear on each petition paper the names and addresses of five electors of the municipality who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. The affidavit attached to the petition paper shall be as follows:

State of Montana, city and county of, being duly sworn, deposes and says that he is the circulator of the foregoing paper and that the signatures appended thereto were made in his presence and are the genuine signatures of the persons whose names they purport to be.

Signed

Subscribed and sworn to before me this day of, 19...

.....
Notary public for the state of
Montana

Residing at, Montana

My commission expires

(2) All petition papers comprising an initiative ~~or referendum--or-recast~~ petition shall be assembled and filed with the clerk as one instrument. Within 10 days after a

1 petition is filed, the clerk shall determine whether it is
 2 signed by a sufficient number of electors and shall attach
 3 thereto a certificate showing the result of his examination.
 4 If he ~~shall--certify~~ certifies that the petition is
 5 insufficient, he shall set forth in his certificate the
 6 particulars in which it is defective and shall at once
 7 notify the committee of the petitioners of his findings.

8 (3) An initiative ~~or referendum--or--recall~~ petition
 9 may be amended at any time within 10 days after the making
 10 of a certificate of insufficiency by the clerk, by filing a
 11 supplementary petition upon additional papers signed and
 12 filed as provided in case of an original petition. The clerk
 13 shall, within 5 days after such amendment is filed, make
 14 examination of the amended petition, and if his certificate
 15 ~~shall-show~~ shows the petition still to be insufficient, he
 16 shall file it in his office and notify the committee of the
 17 petitioners of his findings and no further action shall be
 18 had on such insufficient petition. The finding of the
 19 insufficiency of a petition shall not prejudice the filing
 20 of a new petition for the same purpose."

21 Section 10. Section 7-3-1248, MCA, is amended to read:

22 "7-3-1248. Departments of consolidated municipality.
 23 (1) (a) In consolidated municipalities of the first, second,
 24 third, and ~~or fourth classes class~~, there shall be a
 25 department of finance, a police department, a department of

1 public works, a department of health, a fire department, and
 2 such other departments and offices as may be established by
 3 ordinance.

4 (b) In consolidated municipalities of the fifth,
 5 sixth, ~~or seventh-and-eighth-classes class~~, there shall be
 6 a department of finance, a police department, a department
 7 of public works, a department of health, and such other
 8 departments and offices as may be established by ordinance.

9 (2) The commission may change or abolish any
 10 department or office established by ordinance and may
 11 prescribe, combine, distribute, or discontinue the functions
 12 and duties thereof. Additional functions and duties may be
 13 by ordinance assigned to departments and offices created by
 14 this part or part 13, but no function or duty assigned by
 15 this part or part 13 to any such department or office shall
 16 be discontinued or assigned to any other department or
 17 office. If the manager so recommends and the commission so
 18 authorizes, the manager may appoint one person to act as the
 19 head of two or more departments or offices, but the
 20 department of law must ~~may~~ not thus be joined with any other
 21 department, nor ~~shall may~~ the manager be authorized to act
 22 as head of the department of finance or of any office
 23 therein other than of purchasing agent or assessor."

24 Section 11. Section 7-3-1272, MCA, is amended to read:

25 "7-3-1272. Procedure for primary election. (1) A

1 municipal primary election for the choice of members of the
2 commission shall be held on the last Tuesday in April in
3 each year in which members of the commission are to be
4 elected.

5 (2) All candidates for the commission receiving a
6 majority of the votes cast at the municipal primary election
7 shall be deemed ~~considered~~ and declared elected to the
8 commission. If candidates equal to the number of members of
9 the commission to be elected do not receive a majority of
10 the votes cast at such primary election, a municipal primary
11 ~~general~~ election shall be held on the first Tuesday in June
12 next following the election."

13 Section 12. Section 7-3-1331, MCA, is amended to read:

14 "7-3-1331. Department of public works. (1) The
15 department of public works ~~shall be~~ is in the charge of a
16 director, who shall manage and have charge of the
17 construction, repair, improvement, and maintenance of all
18 public buildings; of roads, streets, alleys, sidewalks,
19 bridges, viaducts, and other public ways; of sewers, drains,
20 ditches, culverts, streams, and watercourses; and of
21 boulevards, parks, playgrounds, cemeteries, and other public
22 places and grounds dedicated to public use. He shall manage
23 and control all public cemeteries, crematories, market
24 places or houses, garbage and sewage disposal plants and
25 farms, and all public utilities belonging to the

1 municipality or any subdivision thereof and shall have
2 charge of the enforcement of the obligations to the
3 municipality of all privately owned or operated public
4 utilities enforceable by the municipality. He shall have
5 charge of the cleaning, sprinkling, and lighting of the
6 streets and the collection and disposal of garbage and
7 waste. He shall also be responsible for the making and
8 preservation of all surveys, maps, plans, drawings, and
9 estimates for such public work and for the preservation of
10 contracts, papers, plans, tools, and appliances belonging to
11 the municipality and pertaining to the functions of the
12 department.

13 (2) The director of public works shall have the
14 qualifications prescribed by law for county surveyors, and
15 in addition to the duties required by this part or part 12
16 and by the ordinances of the municipality, he shall have the
17 powers and shall, either in person or by a deputy having the
18 qualifications prescribed by law for county surveyors,
19 perform the duties required of county surveyors by the laws
20 of the state."

21 Section 13. Section 7-3-1341, MCA, is amended to read:

22 "7-3-1341. Department of law. (1) The department of
23 law ~~shall be~~ is in the charge of a director to be appointed
24 by the commission without definite term, who shall be a
25 resident and elector of the municipality and who shall

1 possess all of the qualifications required of county
2 attorneys.

3 (2) He shall have all the powers and, either
4 personally or by such assistants as he may designate, shall
5 perform all the duties that now are ~~or--hereafter--may--be~~
6 prescribed for county attorneys, city attorneys, and public
7 administrators, and in addition thereto, he shall be chief
8 legal adviser of and attorney and counsel for the
9 municipality and of all departments and offices thereof and
10 shall perform such other duties as may be required by the
11 commission.

12 (3) He shall qualify by taking the oath of office
13 prescribed by the constitution and giving a bond in the
14 amount required of a public administrator in a county of the
15 same class. He shall receive from the state as part of his
16 salary the same amount which is paid by the state to county
17 attorneys in counties of the same class, and the remainder
18 of his salary shall be paid by the municipality. For all
19 purposes in connection with criminal prosecutions he shall
20 be known and designated as "county attorney of the city and
21 county of".

22 Section 14. Section 7-3-1342, MCA, is amended to read:

23 "7-3-1342. City court. (1) A city court is hereby
24 established in and for each municipality, with the
25 jurisdiction, powers, and duties within the municipality

1 provided by general law for city courts in cities and towns
2 and for justices of the peace.

3 ~~(2) The commission shall, by majority vote of all its~~
4 ~~members, appoint a city judge or judges to serve during the~~
5 ~~pleasure of the commission. No person shall be appointed~~
6 ~~city judge unless at least 25 years of age and admitted to~~
7 ~~practice law in Montana. The commission shall by ordinance~~
8 ~~determine the number of judges required for operation of the~~
9 ~~city court. City court judges are to be elected every 4~~
10 ~~years in a nonpartisan election held in conjunction with the~~
11 ~~regularly scheduled general election. The term of office for~~
12 ~~city judge is 4 years.~~

13 (3) The qualifications to hold the office of city
14 judge shall be set by ordinance by the commission. The
15 ordinance shall be consistent with any rules adopted by the
16 Montana supreme court on city judge qualifications.

17 (4) Whenever a vacancy occurs in the office of city
18 judge, the commission shall appoint a qualified individual
19 to serve for the remainder of the term. The compensation of
20 the city judge or judges shall be fixed by the commission."

21 Section 15. Section 7-3-1343, MCA, is amended to read:

22 "7-3-1343. Police department. (1) The police
23 department ~~shall be~~ is in the charge of a director, who
24 shall be chief of the police force of the municipality. The
25 director shall have the powers and perform the duties

1 conferred on and required of sheriffs.

2 (2) Officers and patrolmen of the police department,
3 subordinate to the director, ~~shall~~ have the powers and
4 ~~perform--the~~ duties conferred on and required of police
5 officers and patrolmen in cities and towns by the laws of
6 this state and such powers and duties as may be conferred
7 and required by the ordinances of the municipality. Police
8 officers and patrolmen ~~shall~~ have the powers and ~~perform--the~~
9 duties conferred on and required of deputy sheriffs by the
10 general laws of the state.

11 (3) For the purpose of serving and making return on
12 all criminal and civil process, executing judgments,
13 decrees, and orders of court, and making sales thereunder
14 and returns thereof, the director shall be known and
15 designated as Sheriff of the city and county of and
16 each police officer and patrolman shall be known and
17 designated as deputy sheriff."

18 Section 16. Section 7-3-1345, MCA, is amended to read:

19 "7-3-1345. Fire department. (1) The fire department of
20 the municipality ~~shall-be is~~ in ~~the~~ charge of a director,
21 who shall be chief thereof and who shall manage and control
22 the department in the manner prescribed by the ordinances of
23 the municipality.

24 (2) (a) Notwithstanding any other provision of law,
25 the adoption of a consolidated county municipal government

1 shall have no effect on the existence, rights, or duties of
2 any voluntary fire department or fire district created and
3 legally in existence pursuant to the provisions of parts 21
4 and 23 of chapter 33.

5 (b) Nothing in this part or part 12 shall be construed
6 to prohibit the creation of voluntary fire departments or
7 fire districts pursuant to the provisions of parts 21 and 23
8 of chapter 33 within consolidated county municipalities.

9 (c) Voluntary fire departments or fire districts
10 within consolidated county municipalities ~~shall may~~ only be
11 organized, created, supported, financed, dissolved, and
12 managed and their boundaries ~~shall may~~ only be changed
13 pursuant to the provisions of parts 21 and 23 of chapter 33.
14 These organizations may enter mutual aid agreements as
15 provided by 7-33-2108."

16 Section 17. Section 7-3-2104, MCA, is amended to read:

17 "7-3-2104. Notice of election. It ~~shall-be is~~ the duty
18 of the board of county commissioners to publish a notice of
19 the referendum in a daily paper ~~newspaper~~ twice a week for a
20 period of 3 consecutive weeks or, in case there is no daily
21 paper ~~newspaper~~ of wide circulation in the county, then in a
22 weekly paper ~~newspaper~~ for 4 consecutive weeks."

23 Section 18. Section 7-3-2109, MCA, is amended to read:

24 "7-3-2109. Provisions for board elected at large. (1)
25 Under all optional forms of county government whereby the

1 entire board of county commissioners is elected at large,
 2 there shall be a board of county commissioners who shall
 3 have the qualifications and shall be nominated and elected
 4 as provided by general law except as otherwise provided for
 5 in this section.

6 (2) If the electors of a county approve a proposition
 7 to adopt an optional form of county government under this
 8 part and thereby adopt a different size board, the change in
 9 membership shall be effected as follows:

10 (a) Whenever the number of members of the board is
 11 increased, there shall be elected at the next regular state
 12 election following the adoption of such provision a
 13 sufficient number of county commissioners to bring the total
 14 membership of the board up to the number fixed. ~~County~~
 15 ~~commissioners--shall--first--serve--a--term--of--6--years--except~~
 16 ~~the--candidates--first--elected--under--the--provisions--of--this~~
 17 ~~section.~~

18 (b) Whenever the number of members of the board is
 19 decreased, the optional number of county commissioners
 20 adopted under this part shall be effective as to the
 21 commissioner with the least time left on his term on the
 22 first Monday in January following the next regular state
 23 election and, as to the other half of the decrease, on the
 24 first Monday in January 2 years later. The latter decrease
 25 in board size shall also be determined by the least time

1 left on his term and, should two commissioners have the same
 2 amount of term left to serve, then by lot.

3 (3) The term of office of county commissioners shall
 4 be ~~is~~ 6 years except as provided in this subsection ~~section~~.
 5 If the optional form as adopted provides for no change in
 6 size of the board of county commissioners, county
 7 commissioners shall continue to be elected for 6-year terms.
 8 ~~if-the-optional-form-as-adopted-provides-for-an-increased~~
 9 ~~membership-on-the-board-as-provided-in-this-part-the~~
 10 ~~additional-members-shall-be-elected-to-the-board-at-the~~
 11 ~~first-regular-state-election-subsequent-to-the-adoption-of~~
 12 ~~the-alternative-form~~

13 (4) If the first election under an optional form of
 14 county government provided for in this part occurs in a year
 15 in which one county commissioner is to be elected under the
 16 former law and the optional form as adopted provides for an
 17 expansion of the board to five commissioners, there shall be
 18 elected for a staggered ~~term~~ ~~terms~~ two commissioners for a
 19 6-year term and one commissioner for a 4-year term as
 20 provided in this part.

21 ~~(5)--At--all--succeeding--elections--after--the--first~~
 22 ~~regular-state-election-subsequent-to-adoption-of-an-optional~~
 23 ~~form--all-members-of-the-board-of-county-commissioners-shall~~
 24 ~~continue-to-be-elected-for-6-year-terms"~~

25 Section 19. Section 7-3-4224, MCA, is amended to read:

"7-3-4224. Petition for initiative. (1) Any proposed ordinance may be submitted to the council by petition signed by electors of the city equal in number to the percentage hereinafter required. ~~The signature verification inspection certification amendment and submission of such petition shall be the same as provided for petition under former 11-3132.~~

(2) If the petition accompanying the proposed ordinance be is signed by electors ~~equal in number to~~ 25% ~~or more~~ of the entire number of persons registered to vote at the ~~last~~ preceding general election and contains a request that the said ordinance be submitted to a vote of the people if not passed by the council, ~~such the~~ council shall either:

(a) pass each ~~the~~ ordinance without alteration within 20 60 days after the ~~attachment of the clerk's certificate to the accompanying receipt of the~~ petition; or

(b) ~~forthwith after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency~~ call a special election, unless a general municipal election is fixed by law within 30 days thereafter, and at such ~~the~~ special or general municipal election, if one is so fixed, ~~such the proposed~~ ordinance shall be submitted to the vote of the electors of such city.

(3) If the petition is signed by ~~not less than~~ at least 10% or ~~but not~~ more than 25% of the electors, as above

defined, then the council shall within 20 60 days pass said ~~the~~ ordinance without change or submit the same at the next general city election occurring after the ~~clerk's certificate of sufficiency is attached to said receipt of the~~ petition."

Section 20. Section 7-3-4227, MCA, is amended to read:

"7-3-4227. Abandonment of commission form. (1) Any city which ~~shall have~~ has operated for more than 1 year under the provisions of this part may abandon such organization hereunder and accept the provisions of the general law of the state then applicable to cities of its population.

(2) Upon the petition of not less than 10% of the electors of ~~such the~~ city registered for the ~~last~~ preceding general election, the following proposition shall be placed upon the ballot at the next regular city election, provided the petition be is filed at least 60 days prior to the date of such ~~the~~ election:

"Shall the city of (name of city) abandon its organization under chapter 57 of the acts of the twelfth legislative assembly and become a city under the general law governing cities of like population or, if formerly organized under special charter, resume ~~said the~~ special charter?"

(3) If the majority of the votes cast at such election

be ~~is~~ in favor of such proposition, the officers elected at the next succeeding biennial election shall be those then prescribed by the general law of the state for cities of like population, and upon the qualification of such ~~these~~ officers, such ~~the~~ city shall become a city under such ~~the~~ general law of the state, but such ~~this~~ change shall ~~may~~ not in any manner or degree affect the property, rights, or liabilities of any nature of such ~~the~~ city but shall merely extend to each change in its form of government.

(4) ~~The sufficiency of such petition shall be determined the election ordered and conducted and the results declared generally as provided for by former 11-3132 insofar as the provisions thereof are applicable or if now organized under special charter may resume said special charter. Whenever the form of government of any city is determined by a vote of the people under the provision of this section, the same question shall may not be submitted again for a period of 2 years, and any ordinance adopted by a vote of the people shall not be repealed or the same question submitted for a period of 2 years.~~

Section 21. Section 7-3-4233, MCA, is amended to read:

"7-3-4233. Statement and petition of candidacy. (1) Any qualified elector of ~~said the~~ city who ~~is the owner of any real estate situated therein~~ desiring to become a candidate for mayor or councilman shall, at least 10 days

prior to ~~said the~~ primary election, file with the city clerk a statement of such candidacy and shall at the same time file therewith the petition of at least 25 qualified voters requesting such candidacy. Each petition shall be verified by one or more persons as to qualifications and residence, with street number, of each of the persons so signing the petition.

(2) The statement shall be in substantially the following form:

State of Montana)

)ss.

County of

I,, being first duly sworn, say that I reside at street, city of, county of, state of Montana; that I am a qualified voter therein; that I am a candidate for nomination to the office of (mayor or councilman) to be voted upon at the primary election to be held on the Monday of, 19...; and I hereby request that my name be printed upon the official primary ballot for nomination by such primary election for such office.

(Signed)

Subscribed and sworn to (or affirmed) before me by on this day of, 19...

(Signed)

(3) The petition shall be in substantially the

1 following form:

2 The undersigned, duly qualified electors of the city of
3 and residing at the places set opposite our respective
4 names hereto, do hereby request that the name of (name of
5 candidate) be placed in the ballot as a candidate for
6 nomination for (name of office) at the primary election to
7 be held in such city on the Monday of 19... We
8 further state that we know him/her to be a qualified elector
9 of said city and a person of good moral character and
10 qualified, in our judgment, for the duties of such office.

11	Names of qualifying electors	Number	Street
12			
13			

14 (4) Each signer of a nomination paper shall may sign
15 but one such nomination paper for the same office, except
16 where ~~whenever~~ more than one officer is to be elected to the
17 same office, in which case he may sign as many nomination
18 papers as there are officers to be elected; and only one
19 candidate shall be petitioned for or nominated in the same
20 nomination paper."

21 Section 22. Section 7-3-4333, MCA, is amended to read:

22 "7-3-4333. Special provisions for election on question
23 related to expenditures. ~~It~~-in case ~~whenever~~ a petition be
24 is filed requiring that a measure passed by the commission
25 providing for an expenditure of money, a bond issue, or a

1 public improvement be submitted to a vote of the electors,
2 all steps preliminary to such expenditure, actual issuance
3 of the bonds, or actual execution of the contract for such
4 improvement may be taken prior to the election. At--such
5 election--only-resident-taxpayers-of-such-city-or-town-whose
6 names--as-such--appear-upon-the-assessment-roll-and-who--are
7 also Any qualified electors of said the city or town shall
8 be-entitled-to may vote at such election.

9 ~~It~~--At-any-and-all-elections-in-such-city-or--town--at
10 which--questions-relating-to-bond-issues--tax--levies--or-the
11 expenditure-of-money-shall-be-submitted--no-person-shall--be
12 entitled--to--vote--unless--qualified--as--provided--in-this
13 section."

14 Section 23. Section 7-3-4352, MCA, is amended to read:

15 "7-3-4352. Election and campaign practices. (1) Any
16 person who shall-agree agrees to perform any services in the
17 interest of any candidate for any office provided in this
18 part or part 44, in consideration of any money or other
19 valuable thing for such services performed-in-the-interest
20 of-any-candidate--shall-be-punished is punishable by a
21 fine not exceeding \$300 or be-imprisoned by imprisonment in
22 the county jail for a period not exceeding 30 days or by
23 both such fine and imprisonment.

24 (2) Any person offering to give a bribe, either in
25 money or other consideration, to any elector for the purpose

1 of influencing his vote at any election provided in this
 2 part or part 44 or any elector entitled to vote at any such
 3 election receiving and accepting such bribe or other
 4 consideration; any person who agrees, by promise or written
 5 statement, that he will do or will not do any particular act
 6 or acts for the purpose of influencing the vote of any
 7 elector or electors at any election provided in this part or
 8 part 44; any person making false answer to any of the
 9 provisions of this part or part 44 relative to his
 10 qualifications to vote at such election; any person
 11 willfully voting or offering to vote at such election who
 12 has not met the residency requirement of the state of
 13 Montana or is not a citizen of the United States or knowing
 14 ~~knows~~ himself not to be a qualified elector of such precinct
 15 where he offers to vote; or any person knowingly procuring,
 16 aiding, or abetting any violation hereof ~~shall be deemed is~~
 17 guilty of a misdemeanor and upon conviction ~~shall be fined a~~
 18 ~~sum is punishable by a fine~~ of not less than \$100 or more
 19 than \$500 or ~~be imprisoned by imprisonment~~ in the county
 20 jail ~~for a period~~ not less than 10 or more than 90 days or
 21 by both such fine and imprisonment."

22 Section 24. Section 7-3-4365, MCA, is amended to read:

23 "7-3-4365. Investigations by commission. (1) The
 24 commission or any committee thereof duly authorized by the
 25 commission to do so may investigate the financial

1 transactions of any office or department of the municipal
 2 government and the official acts of any municipal official
 3 and by similar investigations may secure information upon
 4 any matter.

5 (2) In conducting such investigations, the commission
 6 or any committee thereof may compel the attendance of
 7 witnesses and the production of books, papers, and other
 8 evidence and for that purpose may issue subpoenas or
 9 attachments, which shall be signed by the presiding officer
 10 of the commission or the chairman of such committee, as the
 11 case may be, and which may be served and executed by any
 12 officer authorized by law to serve subpoenas or other
 13 process. ~~if any witness shall refuse to testify to any facts~~
 14 ~~within his knowledge or to produce any papers or books in~~
 15 ~~his possession or under his control relating to the matter~~
 16 ~~under inquiry before the commission or any such committee~~
 17 ~~the commission shall have the power to cause the witness to~~
 18 ~~be punished for contempt.~~ No witness shall ~~may~~ be excused
 19 from testifying touching his knowledge of the matter under
 20 investigation in any such inquiry, but such testimony shall
 21 may not be used against him in any criminal prosecution
 22 except for perjury committed upon such inquiry."

23 Section 25. Section 7-3-4366, MCA, is amended to read:

24 "7-3-4366. Investigatory powers of city manager. The
 25 city manager may, without notice, cause the affairs of any

department or the conduct of any officer or employee to be examined. Any person or--persons appointed by the city manager to examine the affairs of any department or the conduct of any officer or employee shall have ~~has~~ the same power to compel the attendance of witnesses and the production of books and papers and other evidence and to ~~cause witnesses to be punished for contempt~~ as is conferred upon the commission by this part."

Section 26. Section 7-3-4445, MCA, is amended to read:

"7-3-4445. Survey--and--plots-of-subdivided ~~Subdivided~~ lands. (1)--Any--owner--of--lots--or--grounds--within--the municipality--who--subdivides--or--lays--them--out--for--sale--must ~~cause to be made an accurate survey and plat thereof~~ conforming--in--all--things--to--the--provisions--of--former--11-601 to--11-614--inclusive--and--shall--also--file--with--the--clerk--of the--commission--a--duly--certified--copy--of--such--plat--or--plats--

(2)--The--map--or--plat--recorded--under--the--provisions--of the--foregoing--sections--shall--thereupon--be--sufficient conveyance--to--vest--in--the--municipality--the--fee--of--the--parcel of--land--designated--or--intended--for--streets--or--alleys--ways-- commons--or--other--public--uses--to--be--held--in--the--corporate name--in--trust--to--and--for--the--uses--and--purposes--in--the instrument--set--forth--expressed--designated--or--intended. Subdivisions in the municipality must conform to the provisions of Title 76, chapter 3."

Section 27. Section 7-3-4448, MCA, is amended to read:

"7-3-4448. Vacating or changing name of street. (1)

The commission, in vacating any street or part of a street or changing the name of any street, may include in one ordinance the change of name or the vacation or narrowing of more than one street, alley, or avenue. Before vacating any street or part thereof or narrowing any street, the commission shall first pass a resolution declaring its intention to do so.

(2) The city manager shall cause ~~serve~~ notice of such ~~the~~ resolution to be served, in the manner that service of summons is required to be made in civil actions, upon all persons whose property abuts upon the portion of the street affected by the proposed vacation or narrowing and by ~~publication~~ shall publish notice once in one daily newspaper of general circulation in the municipality if such there be ~~and~~ is one or if not, once in one weekly newspaper of like circulation ~~as to all persons who cannot be personally~~ served. ~~Said~~ The notice shall state the time and place at which objection objections will be heard.

(3) Unless at least 51% of the affected property owners object to the proposed vacation or narrowing, the commission may by ordinance declare such vacation or narrowing, ~~and such~~ The order of the commission vacating or narrowing a street or alley which has been dedicated to

1 public use by the proprietor ~~shall~~, to the extent that it is
2 vacated or narrowed, ~~operate operates~~ as a revocation of the
3 acceptance thereof by the commission, but the right-of-way
4 and easement therein of any lot owner ~~shall~~ is not be
5 impaired thereby."

6 Section 28. Repealer. Sections 11-3221 through 11-3227
7 and 11-3541 through 11-3547, R.C.M. 1947, are repealed.

-End-